



Rep. Camille Y. Lilly

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LRB098 02645 OMW 49501 a

1 AMENDMENT TO SENATE BILL 1204

2 AMENDMENT NO. _____. Amend Senate Bill 1204 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Motor Fuel Tax Law is amended by changing
5 Section 8 as follows:

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

7 Sec. 8. Except as provided in Section 8a, subdivision
8 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
9 16 of Section 15, all money received by the Department under
10 this Act, including payments made to the Department by member
11 jurisdictions participating in the International Fuel Tax
12 Agreement, shall be deposited in a special fund in the State
13 treasury, to be known as the "Motor Fuel Tax Fund", and shall
14 be used as follows:

15 (a) 2 1/2 cents per gallon of the tax collected on special
16 fuel under paragraph (b) of Section 2 and Section 13a of this

1 Act shall be transferred to the State Construction Account Fund
2 in the State Treasury;

3 (b) \$420,000 shall be transferred each month to the State
4 Boating Act Fund to be used by the Department of Natural
5 Resources for the purposes specified in Article X of the Boat
6 Registration and Safety Act;

7 (c) \$3,500,000 shall be transferred each month to the Grade
8 Crossing Protection Fund to be used as follows: not less than
9 \$12,000,000 each fiscal year shall be used for the construction
10 or reconstruction of rail highway grade separation structures;
11 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
12 fiscal year 2010 and each fiscal year thereafter shall be
13 transferred to the Transportation Regulatory Fund and shall be
14 accounted for as part of the rail carrier portion of such funds
15 and shall be used to pay the cost of administration of the
16 Illinois Commerce Commission's railroad safety program in
17 connection with its duties under subsection (3) of Section
18 18c-7401 of the Illinois Vehicle Code, with the remainder to be
19 used by the Department of Transportation upon order of the
20 Illinois Commerce Commission, to pay that part of the cost
21 apportioned by such Commission to the State to cover the
22 interest of the public in the use of highways, roads, streets,
23 or pedestrian walkways in the county highway system, township
24 and district road system, or municipal street system as defined
25 in the Illinois Highway Code, together with any projects
26 authorized under the Grand Avenue Railroad Relocation

1 Authority Act and the Elmwood Park Grade Separation Act, as
2 provided in Section 4-302.5 of the Public Utilities Act, as the
3 same may from time to time be amended, for separation of
4 grades, for installation, construction or reconstruction of
5 crossing protection or reconstruction, alteration, relocation
6 including construction or improvement of any existing highway
7 necessary for access to property or improvement of any grade
8 crossing and grade crossing surface including the necessary
9 highway approaches thereto of any railroad across the highway
10 or public road, or for the installation, construction,
11 reconstruction, or maintenance of a pedestrian walkway over or
12 under a railroad right-of-way, as provided for in and in
13 accordance with Section 18c-7401 of the Illinois Vehicle Code.
14 The Commission may order up to \$2,000,000 per year in Grade
15 Crossing Protection Fund moneys for the improvement of grade
16 crossing surfaces and up to \$300,000 per year for the
17 maintenance and renewal of 4-quadrant gate vehicle detection
18 systems located at non-high speed rail grade crossings. The
19 Commission shall not order more than \$2,000,000 per year in
20 Grade Crossing Protection Fund moneys for pedestrian walkways.
21 In entering orders for projects for which payments from the
22 Grade Crossing Protection Fund will be made, the Commission
23 shall account for expenditures authorized by the orders on a
24 cash rather than an accrual basis. For purposes of this
25 requirement an "accrual basis" assumes that the total cost of
26 the project is expended in the fiscal year in which the order

1 is entered, while a "cash basis" allocates the cost of the
2 project among fiscal years as expenditures are actually made.
3 To meet the requirements of this subsection, the Illinois
4 Commerce Commission shall develop annual and 5-year project
5 plans of rail crossing capital improvements that will be paid
6 for with moneys from the Grade Crossing Protection Fund. The
7 annual project plan shall identify projects for the succeeding
8 fiscal year and the 5-year project plan shall identify projects
9 for the 5 directly succeeding fiscal years. The Commission
10 shall submit the annual and 5-year project plans for this Fund
11 to the Governor, the President of the Senate, the Senate
12 Minority Leader, the Speaker of the House of Representatives,
13 and the Minority Leader of the House of Representatives on the
14 first Wednesday in April of each year;

15 (d) of the amount remaining after allocations provided for
16 in subsections (a), (b) and (c), a sufficient amount shall be
17 reserved to pay all of the following:

18 (1) the costs of the Department of Revenue in
19 administering this Act;

20 (2) the costs of the Department of Transportation in
21 performing its duties imposed by the Illinois Highway Code
22 for supervising the use of motor fuel tax funds apportioned
23 to municipalities, counties and road districts;

24 (3) refunds provided for in Section 13, refunds for
25 overpayment of decal fees paid under Section 13a.4 of this
26 Act, and refunds provided for under the terms of the

1 International Fuel Tax Agreement referenced in Section
2 14a;

3 (4) from October 1, 1985 until June 30, 1994, the
4 administration of the Vehicle Emissions Inspection Law,
5 which amount shall be certified monthly by the
6 Environmental Protection Agency to the State Comptroller
7 and shall promptly be transferred by the State Comptroller
8 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
9 Inspection Fund, and for the period July 1, 1994 through
10 June 30, 2000, one-twelfth of \$25,000,000 each month, for
11 the period July 1, 2000 through June 30, 2003, one-twelfth
12 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
13 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
14 July 1 and October 1, or as soon thereafter as may be
15 practical, during the period July 1, 2004 through June 30,
16 2012, and \$30,000,000 on June 1, 2013, or as soon
17 thereafter as may be practical, and \$15,000,000 on July 1
18 and October 1, or as soon thereafter as may be practical,
19 during the period of July 1, 2013 through June 30, 2014,
20 for the administration of the Vehicle Emissions Inspection
21 Law of 2005, to be transferred by the State Comptroller and
22 Treasurer from the Motor Fuel Tax Fund into the Vehicle
23 Inspection Fund;

24 (5) amounts ordered paid by the Court of Claims; and

25 (6) payment of motor fuel use taxes due to member
26 jurisdictions under the terms of the International Fuel Tax

1 Agreement. The Department shall certify these amounts to
2 the Comptroller by the 15th day of each month; the
3 Comptroller shall cause orders to be drawn for such
4 amounts, and the Treasurer shall administer those amounts
5 on or before the last day of each month;

6 (e) after allocations for the purposes set forth in
7 subsections (a), (b), (c) and (d), the remaining amount shall
8 be apportioned as follows:

9 (1) Until January 1, 2000, 58.4%, and beginning January
10 1, 2000, 45.6% shall be deposited as follows:

11 (A) 37% into the State Construction Account Fund,
12 and

13 (B) 63% into the Road Fund, \$1,250,000 of which
14 shall be reserved each month for the Department of
15 Transportation to be used in accordance with the
16 provisions of Sections 6-901 through 6-906 of the
17 Illinois Highway Code;

18 (2) Until January 1, 2000, 41.6%, and beginning January
19 1, 2000, 54.4% shall be transferred to the Department of
20 Transportation to be distributed as follows:

21 (A) 49.10% to the municipalities of the State,

22 (B) 16.74% to the counties of the State having
23 1,000,000 or more inhabitants,

24 (C) 18.27% to the counties of the State having less
25 than 1,000,000 inhabitants,

26 (D) 15.89% to the road districts of the State.

1 As soon as may be after the first day of each month the
2 Department of Transportation shall allot to each municipality
3 its share of the amount apportioned to the several
4 municipalities which shall be in proportion to the population
5 of such municipalities as determined by the last preceding
6 municipal census if conducted by the Federal Government or
7 Federal census. If territory is annexed to any municipality
8 subsequent to the time of the last preceding census the
9 corporate authorities of such municipality may cause a census
10 to be taken of such annexed territory and the population so
11 ascertained for such territory shall be added to the population
12 of the municipality as determined by the last preceding census
13 for the purpose of determining the allotment for that
14 municipality. If the population of any municipality was not
15 determined by the last Federal census preceding any
16 apportionment, the apportionment to such municipality shall be
17 in accordance with any census taken by such municipality. Any
18 municipal census used in accordance with this Section shall be
19 certified to the Department of Transportation by the clerk of
20 such municipality, and the accuracy thereof shall be subject to
21 approval of the Department which may make such corrections as
22 it ascertains to be necessary.

23 As soon as may be after the first day of each month the
24 Department of Transportation shall allot to each county its
25 share of the amount apportioned to the several counties of the
26 State as herein provided. Each allotment to the several

1 counties having less than 1,000,000 inhabitants shall be in
2 proportion to the amount of motor vehicle license fees received
3 from the residents of such counties, respectively, during the
4 preceding calendar year. The Secretary of State shall, on or
5 before April 15 of each year, transmit to the Department of
6 Transportation a full and complete report showing the amount of
7 motor vehicle license fees received from the residents of each
8 county, respectively, during the preceding calendar year. The
9 Department of Transportation shall, each month, use for
10 allotment purposes the last such report received from the
11 Secretary of State.

12 As soon as may be after the first day of each month, the
13 Department of Transportation shall allot to the several
14 counties their share of the amount apportioned for the use of
15 road districts. The allotment shall be apportioned among the
16 several counties in the State in the proportion which the total
17 mileage of township or district roads in the respective
18 counties bears to the total mileage of all township and
19 district roads in the State. Funds allotted to the respective
20 counties for the use of road districts therein shall be
21 allocated to the several road districts in the county in the
22 proportion which the total mileage of such township or district
23 roads in the respective road districts bears to the total
24 mileage of all such township or district roads in the county.
25 After July 1 of any year prior to 2011, no allocation shall be
26 made for any road district unless it levied a tax for road and

1 bridge purposes in an amount which will require the extension
2 of such tax against the taxable property in any such road
3 district at a rate of not less than either .08% of the value
4 thereof, based upon the assessment for the year immediately
5 prior to the year in which such tax was levied and as equalized
6 by the Department of Revenue or, in DuPage County, an amount
7 equal to or greater than \$12,000 per mile of road under the
8 jurisdiction of the road district, whichever is less. Beginning
9 July 1, 2011 and each July 1 thereafter, an allocation shall be
10 made for any road district if it levied a tax for road and
11 bridge purposes. In counties other than DuPage County, if the
12 amount of the tax levy requires the extension of the tax
13 against the taxable property in the road district at a rate
14 that is less than 0.08% of the value thereof, based upon the
15 assessment for the year immediately prior to the year in which
16 the tax was levied and as equalized by the Department of
17 Revenue, then the amount of the allocation for that road
18 district shall be a percentage of the maximum allocation equal
19 to the percentage obtained by dividing the rate extended by the
20 district by 0.08%. In DuPage County, if the amount of the tax
21 levy requires the extension of the tax against the taxable
22 property in the road district at a rate that is less than the
23 lesser of (i) 0.08% of the value of the taxable property in the
24 road district, based upon the assessment for the year
25 immediately prior to the year in which such tax was levied and
26 as equalized by the Department of Revenue, or (ii) a rate that

1 will yield an amount equal to \$12,000 per mile of road under
2 the jurisdiction of the road district, then the amount of the
3 allocation for the road district shall be a percentage of the
4 maximum allocation equal to the percentage obtained by dividing
5 the rate extended by the district by the lesser of (i) 0.08% or
6 (ii) the rate that will yield an amount equal to \$12,000 per
7 mile of road under the jurisdiction of the road district.

8 Prior to 2011, if any road district has levied a special
9 tax for road purposes pursuant to Sections 6-601, 6-602 and
10 6-603 of the Illinois Highway Code, and such tax was levied in
11 an amount which would require extension at a rate of not less
12 than .08% of the value of the taxable property thereof, as
13 equalized or assessed by the Department of Revenue, or, in
14 DuPage County, an amount equal to or greater than \$12,000 per
15 mile of road under the jurisdiction of the road district,
16 whichever is less, such levy shall, however, be deemed a proper
17 compliance with this Section and shall qualify such road
18 district for an allotment under this Section. Beginning in 2011
19 and thereafter, if any road district has levied a special tax
20 for road purposes under Sections 6-601, 6-602, and 6-603 of the
21 Illinois Highway Code, and the tax was levied in an amount that
22 would require extension at a rate of not less than 0.08% of the
23 value of the taxable property of that road district, as
24 equalized or assessed by the Department of Revenue or, in
25 DuPage County, an amount equal to or greater than \$12,000 per
26 mile of road under the jurisdiction of the road district,

1 whichever is less, that levy shall be deemed a proper
2 compliance with this Section and shall qualify such road
3 district for a full, rather than proportionate, allotment under
4 this Section. If the levy for the special tax is less than
5 0.08% of the value of the taxable property, or, in DuPage
6 County if the levy for the special tax is less than the lesser
7 of (i) 0.08% or (ii) \$12,000 per mile of road under the
8 jurisdiction of the road district, and if the levy for the
9 special tax is more than any other levy for road and bridge
10 purposes, then the levy for the special tax qualifies the road
11 district for a proportionate, rather than full, allotment under
12 this Section. If the levy for the special tax is equal to or
13 less than any other levy for road and bridge purposes, then any
14 allotment under this Section shall be determined by the other
15 levy for road and bridge purposes.

16 Prior to 2011, if a township has transferred to the road
17 and bridge fund money which, when added to the amount of any
18 tax levy of the road district would be the equivalent of a tax
19 levy requiring extension at a rate of at least .08%, or, in
20 DuPage County, an amount equal to or greater than \$12,000 per
21 mile of road under the jurisdiction of the road district,
22 whichever is less, such transfer, together with any such tax
23 levy, shall be deemed a proper compliance with this Section and
24 shall qualify the road district for an allotment under this
25 Section.

26 In counties in which a property tax extension limitation is

1 imposed under the Property Tax Extension Limitation Law, road
2 districts may retain their entitlement to a motor fuel tax
3 allotment or, beginning in 2011, their entitlement to a full
4 allotment if, at the time the property tax extension limitation
5 was imposed, the road district was levying a road and bridge
6 tax at a rate sufficient to entitle it to a motor fuel tax
7 allotment and continues to levy the maximum allowable amount
8 after the imposition of the property tax extension limitation.
9 Any road district may in all circumstances retain its
10 entitlement to a motor fuel tax allotment or, beginning in
11 2011, its entitlement to a full allotment if it levied a road
12 and bridge tax in an amount that will require the extension of
13 the tax against the taxable property in the road district at a
14 rate of not less than 0.08% of the assessed value of the
15 property, based upon the assessment for the year immediately
16 preceding the year in which the tax was levied and as equalized
17 by the Department of Revenue or, in DuPage County, an amount
18 equal to or greater than \$12,000 per mile of road under the
19 jurisdiction of the road district, whichever is less.

20 As used in this Section the term "road district" means any
21 road district, including a county unit road district, provided
22 for by the Illinois Highway Code; and the term "township or
23 district road" means any road in the township and district road
24 system as defined in the Illinois Highway Code. For the
25 purposes of this Section, "township or district road" also
26 includes such roads as are maintained by park districts, forest

1 preserve districts and conservation districts. The Department
2 of Transportation shall determine the mileage of all township
3 and district roads for the purposes of making allotments and
4 allocations of motor fuel tax funds for use in road districts.

5 Payment of motor fuel tax moneys to municipalities and
6 counties shall be made as soon as possible after the allotment
7 is made. The treasurer of the municipality or county may invest
8 these funds until their use is required and the interest earned
9 by these investments shall be limited to the same uses as the
10 principal funds.

11 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
12 eff. 6-19-13.)

13 Section 10. The Elmwood Park Grade Separation Authority Act
14 is amended by changing Sections 5, 15, 35, 50, and 100 as
15 follows:

16 (70 ILCS 1935/5)

17 Sec. 5. Definitions. As used in this Act:

18 "Authority" means the Elmwood Park Grade Separation
19 Authority.

20 "Person" includes an individual, partnership, firm, public
21 or private corporation, and government or unit of government.

22 "Railroad" or "Railroads" means the Northeast Illinois
23 Regional Commuter Railroad Corporation, created under
24 subsection (a) of Section 2.20 of the Regional Transportation

1 Authority Act, Canadian Pacific Railway and other railroads
2 operating or owning trackage or right-of-way within the area of
3 the Authority.

4 "Village" means the Village of Elmwood Park.

5 (Source: P.A. 98-564, eff. 8-27-13.)

6 (70 ILCS 1935/15)

7 Sec. 15. Creation; duration; termination of the Authority.
8 There is created a body politic and corporate, a unit of local
9 government, named the Elmwood Park Grade Separation Authority
10 that embraces that portion of Leyden Township within the
11 Village of Elmwood Park, Cook County, Illinois. The Authority
12 shall continue in existence until the accomplishment of its
13 objectives or until the Authority officials resolve that it is
14 impossible or economically unfeasible to fulfill its
15 objectives. Objectives of the Authority include the grade
16 separation of railroad tracks from the right-of-way of Grand
17 Avenue in the Village of Elmwood Park, the relocation of
18 railroad tracks and roadway to facilitate the grade separation,
19 and other necessary, related improvements to the right-of-way
20 and at-grade crossing closure within the Village of Elmwood
21 Park. The Authority shall be dissolved upon its voluntary
22 termination ~~or 6 months after the first use of the railway on~~
23 ~~the grade separation structure by a Railroad.~~ Upon termination
24 or dissolution of the Authority after the construction of the
25 grade separation project, the Department of Transportation

1 shall own and maintain the grade separation structure and the
2 Northeast Illinois Regional Commuter Railroad Corporation
3 ~~Canadian Pacific Railway Company~~ shall own and maintain the
4 railway along the grade separation structure.

5 (Source: P.A. 98-564, eff. 8-27-13.)

6 (70 ILCS 1935/35)

7 Sec. 35. Acceptance of grants, loans, and appropriations.
8 The Authority has the power to apply for and accept grants,
9 loans, advances, and appropriations from the federal
10 government and from the State of Illinois, or any agency or
11 instrumentality thereof, to be used for the purposes of the
12 Authority, and to enter into any agreement in relation to such
13 grants, loans, advances, and appropriations. The Authority may
14 also accept from the State, or any State agency, department, or
15 commission, any county or other political subdivision, any
16 municipal corporation, any Railroads, school authorities, or
17 jointly therefrom, grants of funds or services for any of the
18 purposes of this Act. The Authority shall be treated as a rail
19 carrier subject to the Illinois Commerce Commission's
20 jurisdiction and eligible to receive money from the Grade
21 Crossing Protection Fund, any fund of the State, or other
22 source available for purposes of promoting safety and
23 separation of at-grade railroad crossings or highway
24 improvements.

25 The Illinois Commerce Commission Crossing Safety

1 Improvement Program FY 2014-2018 Plan shall be revised to
2 include this Authority's grade separation project as one of the
3 bridge projects contemplated for FY 2015 through FY 2018, and
4 funds from the Grade Crossing Protection Fund shall be
5 allocated in the FY 2015 through FY 2018 Plan for said grade
6 separation project. No Order of the Illinois Commerce
7 Commission shall be effective or binding on the Authority to
8 construct the grade separation project unless the federal
9 government, the State of Illinois, or any agency or
10 instrumentality thereof has granted or appropriated sufficient
11 funds for the construction of the grade separation project ~~and~~
12 ~~the Authority is in receipt of those funds~~. Notwithstanding,
13 the Illinois Commerce Commission shall not withhold approval of
14 the construction of the Authority's grade separation project or
15 the issuance of any Orders that authorize the construction of
16 the Authority's grade separation project.

17 (Source: P.A. 98-564, eff. 8-27-13.)

18 (70 ILCS 1935/50)

19 Sec. 50. Board; composition; qualification; compensation
20 and expenses. The Authority shall be governed by a 7 ~~9~~-member
21 board consisting of members appointed by the Governor with the
22 advice and consent of the Senate. Five members shall be voting
23 members and 2 ~~4~~ members shall be non-voting members. The voting
24 members shall consist of the following:

25 (1) two former public officials who served within the

1 Township of Leyden or the Village of Elmwood Park and are
2 recommended to the Governor by the Village President of the
3 Village of Elmwood Park;

4 (2) one current employee ~~two prior employees~~ of the
5 Northeast Illinois Regional Commuter Railroad Corporation
6 ~~Canadian Pacific Railway~~ with management experience; ~~and~~

7 (3) one current employee of Canadian Pacific Railway;
8 and

9 (4) ~~(3)~~ one resident of the Township of Leyden or the
10 Village of Elmwood Park.

11 The non-voting members shall consist of the following:

12 (1) the Village President of the Village of Elmwood
13 Park; and

14 ~~(2) one current employee of Canadian Pacific Railway~~
15 ~~with management experience;~~

16 ~~(3) one current employee of Northeast Illinois~~
17 ~~Regional Commuter Railroad Corporation with management~~
18 ~~experience; and~~

19 (2) ~~(4)~~ one current employee of the Department of
20 Transportation with management experience.

21 The members of the board shall serve without compensation,
22 but may be reimbursed for actual expenses incurred by them in
23 the performance of their duties prescribed by the Authority.
24 However, any member of the board who serves as secretary or
25 treasurer may receive compensation for services as that
26 officer.

1 (Source: P.A. 98-564, eff. 8-27-13; revised 10-17-13.)

2 (70 ILCS 1935/100)

3 Sec. 100. Construction. Nothing in this Act shall be
4 construed to confer upon the Authority the right, power, or
5 duty to order or enforce the abandonment of any present
6 property of the railroads or the use in substitution therefor
7 of any property acquired for the railroads in the absence of a
8 contract duly executed by the railroads and the Authority
9 setting forth the terms and conditions upon which relocation of
10 the right-of-way and physical facilities of the railroads is to
11 be accomplished. No such contract shall be or become
12 enforceable until the provisions of the contract have been
13 approved or authorized by the Illinois Commerce Commission.

14 Any construction improvements to signaling or any other
15 aspect of the grade separation project dictated by the ~~Railroad~~
16 ~~or the~~ Northeast Illinois Regional Commuter Railroad
17 Corporation shall be paid for ~~respectively~~ by the ~~Railroad or~~
18 ~~the~~ Northeast Illinois Regional Commuter Railroad Corporation.

19 The ~~Railroad or the~~ Northeast Illinois Regional Commuter
20 Railroad Corporation, ~~or both,~~ shall specifically pay any and
21 all costs associated with any upgrades to the railway.

22 (Source: P.A. 98-564, eff. 8-27-13.)

23 Section 15. The Public Utilities Act is amended by adding
24 Section 4-302.5 as follows:

1 (220 ILCS 5/4-302.5 new)

2 Sec. 4-302.5. Notwithstanding any provision of law to the
3 contrary, the Commission shall have the jurisdiction provided
4 in Section 35 of the Grand Avenue Railroad Relocation Authority
5 Act and in Section 35 of the Elmwood Park Grade Separation
6 Authority Act. The jurisdiction provided under those Acts
7 includes the authority to use funds from the Grade Crossing
8 Protection Fund to reimburse the Grand Avenue Railroad
9 Relocation Authority or the Elmwood Park Grade Separation
10 Authority, in an amount not to exceed \$12 million, for the
11 construction of a grade separation to replace the existing
12 Grand Avenue highway-rail grade crossing of tracks owned by the
13 Northeast Illinois Regional Commuter Railroad Corporation,
14 without regard to whether all or part of the crossing is within
15 the jurisdiction of the Illinois Department of Transportation,
16 the Regional Transportation Authority or any subdivision or
17 unit thereof, or any other State agency or unit of local
18 government.

19 The Commission's Crossing Safety Improvement Program FY
20 2014-2018 Plan shall be revised to include the Elmwood Park
21 Grade Separation Authority's grade separation project as one of
22 the bridge projects contemplated for FY 2015 through FY 2018,
23 and funds from the Grade Crossing Protection Fund shall be
24 allocated in the FY 2015 through FY 2018 Plan for said grade
25 separation project, as provided under Section 35 of the Elmwood

1 Park Grade Separation Authority Act.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".